City of Bellevue
Development Services Department
Land Use Staff Report

Date of Receipt by Ecology:

SHORELINE MANAGEMENT ACT
DECISION ON SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

File Number:	19-113673-WG
Proposal Name:	Enatai Interceptors Upgrade
Proposal Address and Location:	The sewer enters Bellevue Jurisdiction near 47°34'44.0949" N and 122°12'1.2659" W and lands at Enatai Beach Park at 3519 108th Ave S. The sewer splits and crosses under the Enatai neighborhood as well as going around Enatai in Lake Washington, through Mercer Slough to terminate at Sweyolocken Pump Station at 3000 Bellevue Way SE.
Water Body:	Lake Washington
Shoreline Environment Designation:	Aquatic, Urban Conservancy, Shoreline Residential, and Urban Conservancy – Open Space

Proposal Description:
Repair and replacement of the King County sewer mains that cross Lake Washington from Mercer Island to reach the Sweyolocken Pump Station on Bellevue Way SE. A new sewer main will be bored under the Enatai neighborhood between Sweyolocken Pump Station and Enatai Beach Park. The existing sewer line in Lake Washington that handles low flows and services houses along Lake Washington through the Mercer Slough is proposed to be repaired. Temporary construction impacts from this project include disturbance of Lake Washington and lake bed, disturbance of steep slopes, disturbance of wetlands in Mercer Slough, temporary closure of Enatai Beach Park, and temporary impacts from a sewer bypass located on private properties south of I-90 and north of Lake Washington. The objective of the Enatai Interceptor Upgrade Project is to improve reliability and increase the capacity of the existing facility and pipeline components of the regional wastewater system in the southwest portion of Bellevue and the Town of Beaux Arts Village.

Applicant Representative:
Darlene Gaziano, King County Wastewater, 206-263-0562, dgaziano@kingcounty.gov

Application Date:	May 23, 2019
Notice of Application Date:	June 27, 2019
Notice of Decision Date:	March 12, 2020

SEPA Determination: **Determination of Non-Significance issued by King County on May 23, 2019**

Decision on SSDP: **Approval with Conditions**
Michael A. Brennan, Director
Development Services Department

By: _____
Reilly Pittman, Land Use Planner

The appeal period for a Shoreline Substantial Development Permit is 21 days from the "date of filing" with the Department of Ecology, as defined in RCW 90.58.140(6) and WAC 173-27-130. Appeal of the decision must be made to the Washington State Shoreline Hearings Board.

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof. This permit approval will expire within two years of the date of filing unless the construction, use, or activity pursuant to this permit is commenced. Final expiration of this permit approval is five years from the date of filing. Request for extension of expiration is subject to LUC 20.25E.250.E.6.

Construction pursuant to this permit shall not begin or is not authorized until twenty-one (21) days from the date of filing or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C) (D).

City of Bellevue
Development Services Department
Land Use Staff Report

Proposal Name:	Enatai Interceptors Upgrade
Proposal Location:	East Channel of Lake Washington, Enatai Beach Park at 3519 108th Ave SE, Enatai Neighborhood, Mercer Slough, and Sweyolocken Pump Station at 3000 Bellevue Way SE
Proposal Description:	Land Use review of a Shoreline Conditional Use Permit, Shoreline Substantial Development Permit, Conditional Use Permit, and Critical Areas Land Use Permit to repair and replace elements of the King County regional sewer system that crosses Lake Washington from Mercer Island to Enatai Beach Park and Mercer Slough to reach the Sweyolocken Pump Station on Bellevue Way SE via trenching, boring, and rehabilitation. Temporary construction impacts from this project will disturb Lake Washington, wetlands, Mercer Slough, and critical area buffers. Other impacted areas include Enatai Beach Park and private property and shoreline improvements in the Enatai neighborhood, south of I-90.
File Number:	19-113671-WA, 19-113673-WG, 19-113670-LB and 19-113672-LO
Applicant:	Darlene Gaziano, King County Wastewater
Recommendations Included:	Shoreline Conditional Use Permit (Process I) Conditional Use Permit (Process I)
Decisions Included:	Critical Areas Land Use Permit (Process II) Shoreline Substantial Development Permit (Process II)
Planner:	Reilly Pittman, Senior Environmental Planner
SEPA Determination:	Determination of Non-Significance issued by King County on May 23, 2019
Application Date:	May 23, 2019
Notice of Application Date:	June 27, 2019
Decision/Recommendation:	March 12, 2020
Appeal Deadline for CALUP:	March 26, 2020
Public Hearing Date:	April 2, 2020

Director's Decision and Recommendation:

Approval with Conditions

Michael A. Brennan, Director
Development Services Department

By: Elizabeth Stead
Elizabeth Stead, Land Use Director

Per WAC 173-27-130, Approved Shoreline Substantial Development Permits are transmitted to the Department of Ecology concurrently with associated Shoreline Conditional Use Permits. A 21-day appeal period begins upon issuance of the Department of Ecology's decision. Appeal of Shoreline approvals is made to the Shoreline Hearings Board. For information on how to appeal the Critical Areas Land Use Permit, visit Development Services Center at City Hall or call (425) 452-6800. Appeal of the Critical Areas Land Use Permit decision must be made to the City of Bellevue City Clerk's Office by 5 p.m. on the date noted above.

CONTENTS

Documents Referenced in Files:

1. Project Plans – In File
2. Project Description and Code Compliance Narrative – In File
3. Wetlands, Streams, and Shorelines Report – In File
4. Critical areas and Special Shoreline Report – In File
5. Arborist Report – In File
6. Geotechnical Report – In File
7. SEPA DNS – In File
8. Application Forms, and other Material – In File

I. REQUEST, REVIEW PROCESS, PURPOSE OF PROJECT

A. REQUEST

King County Wastewater proposes to improve the existing regional sewer system by making improvements to the sewer facilities that cross from Mercer Island to Bellevue by:

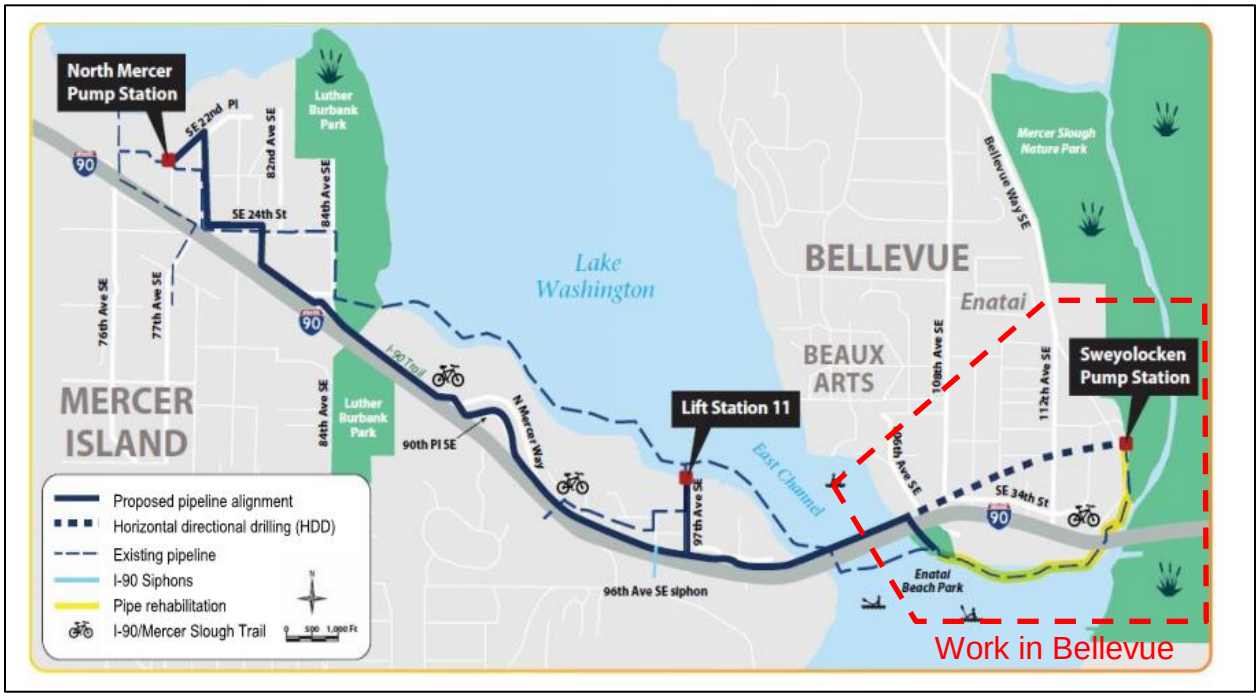
- Constructing a new replacement sewer line by trenching in Lake Washington and boring under the Enatai neighborhood to reach the Sweyolocken Pump Station
- Rehabilitating existing sewer infrastructure from Enatai Beach Park, around the Enatai shoreline in Lake Washington, through Mercer Slough to reach the Sweyolocken Pump Station.

The proposal is within the Shoreline Overlay District and Critical Area Overlay District of the City of Bellevue. The project construction limits will cover approximately 7.5 acres or 326,570 square feet within Bellevue and different phases will span over 2.5 years. The proposal includes work that will impact the following:

- The waters, lake bed, shoreline, 50-foot structure setback, and 50-foot vegetation conservation area of Lake Washington
- The Mercer Slough which is a 320 acre complex of wetlands, stream, floodplain, buffers, and setbacks
- City of Bellevue Parks property at Enatai Beach Park and at the King County Sweyolocken Pump Station which is within the Mercer Slough Nature Park, public trails along I-90 and Mercer Slough
- Private property and associated shoreline improvements on Lake Washington between Enatai Beach Park and Mercer Slough

See figure 1 below for the full project alignment. This report only addresses work in the City of Bellevue.

Figure 1



B. REVIEW PROCESS

The proposal requires four separate Land Use applications from the City of Bellevue. Per Land Use Code 20.10.440 and LUC 20.25E.030, a regional sewer system is required to obtain a Conditional Use Permit approval. A Conditional Use Permit (CUP) is a mechanism by which the City may require special conditions on development or on the use of land in order to ensure that designated uses or activities are compatible with other uses in the same land use district and in the vicinity of the subject property. Projects in the shoreline jurisdiction that require a CUP must obtain a Shoreline Conditional Use Permit (SCUP) to ensure consistency with the Shoreline Master Program and Shoreline Management Act. The SCUP and CUP are Process I quasi-judicial decisions which require a public hearing before the City's Hearing Examiner following a recommendation from the Director of the Development Services Department.

- Conditional Use Permit (CUP), file number 19-113670-LB, was submitted for the project area outside of shoreline jurisdiction.
- Shoreline Conditional Use Permit (SCUP), file number 19-113671-WA, was submitted for the portion of the project in shoreline jurisdiction.

Per LUC 20.25E.180, a SCUP is required to be accompanied by a Shoreline Substantial Development Permit (SSDP). Per LUC 20.25H.015, any disturbance or modification of a critical area, buffer, or setback by an allowed use listed in LUC 20.25H.055 requires a Critical Area Land Use Permit (CALUP). The SSDP and CALUP are Process II decisions made administratively by the Director.

- Shoreline Substantial Development Permit (SSDP), file number 19-113673-WG, was submitted as the proposed work is not exempt from a shoreline substantial development permit.
- Critical Area Land Use Permit (CALUP), file number 19-113672-LO, was submitted to address all proposed work in critical areas, buffers, and setbacks.

Review of these applications is concurrent, and this staff report is a combined recommendation to the Hearing Examiner for the Process I SCUP and CUP and a decision on the SSDP and CALUP. Upon issuance of this staff report a 14-day local appeal period will begin for the CALUP. Following the appeal period, a public hearing will be held with the City's Hearing Examiner on the SCUP and CUP. Upon issuance of a decision by the Hearing Examiner on the SCUP and CUP a 14-day appeal period will be required for the CUP. Once all local appeal periods have ended the City will transmit the SCUP and SSDP to the Department of Ecology (DOE) for review and approval. A 21-day appeal period will start upon the issuance of a decision by DOE.

C. PURPOSE OF PROJECT

The purpose of this sewer project is to improve reliability and increase the sewer capacity of the County's regional sewer components in this area. The existing system was constructed in the 1960s and is providing declining levels of service. The goal of this project is to improve the sewer system to convey the 20-year peak wastewater flows projected through the year 2060 for Southwest Bellevue and Beaux Arts neighborhoods.

II. PROJECT DESCRIPTION, SITE DESCRIPTION, CRITICAL AREAS, AND SHORELINES

A. PROJECT DESCRIPTION

The proposed project can be described as five sewer sub-projects: East Channel Siphon, Enatai Siphon, Enatai Interceptor, Enatai Connector, and Sweyolocken Pump Station.

- **The East Channel Siphon** (light blue line in figure 2 below) is a new sewer facility proposed from Mercer Island that enters the City of Bellevue shoreline jurisdiction in the East Channel of Lake Washington, crossing the lake to reach Enatai Beach Park. The sewer consists of three parallel pipes that are 12 to 16 inches in diameter that will be installed by trench method on the bottom of the lake, north of the I-90 East Channel Bridge. Work and staging will be from barges on the surface, but work will maintain navigable passage through the channel during construction. The sewer pipe will be installed by sinking the sewer line from the surface into place within the trench. Impacts to the lake bed will be restored using WDFW approved gravel substrate.
- **The Enatai Siphon** (green line in figure 2 below) is a new 36-inch diameter sewer pipe that will be constructed between Enatai Beach Park and the Sweyolocken Pump Station. The sewer will be installed using horizontal direction drilling (HDD) that will stage and launch from Sweyolocken Pump Station drilling west to reach Enatai Beach Park. The length of the bore will be 3,400 feet done by repeated and incrementally larger drills that will expand the diameter of the bore to reach the pipe diameter. The depth of the bore path will range from 10 to 100 feet under the ground surface. The sewer line will be welded together and laid out in Lake Washington reaching approximately half a mile in length where it will float until being pulled back through the bored path to the pump station. The purpose of this pipe is to take high sewer flows, diverted into the pipe at Enatai Beach Park, directly to the pump station. Low flows will be diverted via the Enatai Connector to the existing Enatai Interceptor to the pump station via Lake Washington and Mercer Slough.
- **The Enatai Interceptor** (red line in figure 2 below) is the existing sewer line from Enatai Beach Park that crosses the lake to reach Mercer Slough and the Sweyolocken Pump Station. This sewer is proposed to be mostly rehabilitated in place to continue to accept wastewater from properties nearby. A 120-foot portion of the sewer line in the Enatai Beach Park will be replaced. The remainder of the pipe will be repaired through slip-lining or UV cast-in-place techniques. Construction will stage from barges, I-90 trails, Enatai Beach Park, and within Mercer Slough. This repair will require removal of sections of private docks to access maintenance holes and impacted docks will be restored following construction. During the repairs of this sewer line a temporary sewer bypass system will be installed across the Enatai properties adjacent to Lake Washington in order to maintain sewer service and connection to the pump station.
- **The Enatai Connector** (pink line in figure 2 below), is a new 36-inch diameter sewer pipe that will be installed at Enatai Beach Park via trenching. This will connect the East Channel Siphon (light blue), Enatai Siphon (green), and Enatai Interceptor (red). A new flow diversion structure will be installed to direct high and low flows to the Enatai Siphon and Interceptor respectively. New sewer improvements are proposed in the park and include underground vaults for flow diversion and odor control. Visible, above

ground improvements include a new maintenance access road, four new maintenance holes, an air intake, and vent stack. The Enatai Connector will be installed in the park by trenching. The park, beach and shoreline will be restored following construction.

- **The Sweyolocken Pump Station** (yellow dot in figure 2 below), is the existing pump station that accepts wastewater from Bellevue and Mercer Island and directs it to a major sewer pipeline called the Eastside Interceptor which carries wastewater from all Eastside communities to the King County South Treatment Plant in Renton. This project will upgrade the pump station and connect the new Enatai Siphon to the station and provide new maintenance holes at the pump station installed by open trenching.

Figure 2

B. SITE DESCRIPTION

The project area is located in Lake Washington and the southern portion of the Enatai neighborhood, between the East Channel of Lake Washington and Mercer Slough. The site can be characterized by six different work areas: East Channel, Enatai Beach Park, Enatai Hillside, Enatai Shoreline, Mercer Slough, Sweyolocken Pump Station. These work areas contain designated critical areas, buffers, and setbacks as well as important species and their habitat. Mercer Slough also has a 100-year floodplain and is within the shoreline jurisdiction with Lake Washington. The upland areas are zoned single-family residential (R-1, R-2.5, R-3.5, R-4, R-5) with uses that include single-family homes, public parks and trails, public roads

and infrastructure, and open space. The following describes each work area.

- **East Channel of Lake Washington**
  Location of Work: Across the East Channel of Lake Washington between Mercer Island and Enatai Beach Park.
  Critical Areas and/or Shoreline Present: Open waters of Lake Washington
  Proposed Work: In-water trenching to cut and cover new sewer line (East Channel Siphon), decommission of existing sewer line, temporary impacts from construction staging. Staging for floating sewer pipe installed by HDD prior to pull back. Restoration of lake bed.
  Timing: December 2021 for less than a month for staging HDD pipe in lake, July to November of 2022 for installation of Enatai Siphon in East Channel.

- **Enatai Beach Park**
  Location of Work: Southern end of the Bellevue Enatai neighborhood on Lake Washington and under the I-90 bridge.
  Critical Areas and/or Shoreline Present: Lake Washington and 50-foot vegetation conservation area.
  Proposed Work: Upland trenching and excavation for the East Channel Siphon to reach bore pit and trenching for the Enatai Connector sewer line that connects the East Channel Siphon to the existing Enatai Interceptor in Lake Washington. Construction of new access road in the Enatai Beach Park, addition of odor control facilities, and sewer diversion system. Most work is underneath the existing I-90 bridge. Restoration of beach and park shoreline.
  Timing: July 2021 to November 2022 related to construction of HDD sewer bore (Enatai Siphon) from Sweyolocken to the park and constructing Enatai Connector to connect East Channel Siphon, Enatai Siphon, and Enatai Interceptor constituting Phase 1 of construction at the park. Phase 2 of construction at the park will be from September 2023 to December of 2023 related to staging, bypass, construction, and rehabilitation of Enatai Interceptor impacting the swim beach.

- **Enatai Hillside**
  Location of Work: From the bore pit at Enatai Beach Park, under the Enatai neighborhood to reach Sweyolocken Pump Station.
  Critical Areas and/or Shoreline Present: None (all work bored underground)
  Proposed Work: Bore hole for Horizontal Directional Drilling underground and pipe layback in Lake Washington to pull pipe up to reach Sweyolocken Pump Station.
  Timing: July 2021 to December 2021 to drill and install new Enatai Siphon from Sweyolocken Pump Station to Enatai Beach Park.

- **Enatai Shoreline**
  Location of Work: Along Bellevue ROW and into Lake Washington around the southern end of the Enatai Neighborhood to reach Mercer Slough.
  Critical Areas and/or Shoreline Present: Geologically Hazardous Areas and Habitat. Lake Washington and vegetation conservation area.

Proposed Work: Access and use of heavy equipment to reline the existing Enatai Interceptor sewer line. Work will include temporary removal of portions of docks and use of private shoreline for sewer bypass in order to upgrade maintenance holes in the Lake.
Timing: September 2023 to October 2023 for work to reline the existing Enatai Interceptor in Lake Washington.

- **Mercer Slough**
  Location of Work: From the start of the Mercer Slough north to Sweyolocken Pump Station and under the elevated portion of I-90.
  Critical Areas and/or Shoreline Present: Stream (Mercer Slough), Wetland, Steep Slopes, Floodplain, Habitat. Mercer Slough is a shoreline of the state and within shoreline jurisdiction.
  Proposed Work: Staging and access for construction, isolation of area around maintenance holes. Restoration of temporary disturbance and planting.
  Timing: August 2023 to December 2023 for access, staging and construction along Enatai Interceptor sewer line connecting to Sweyolocken Pump Station. April 2024 to restore disturbance.

- **Sweyolocken Pump Station**
  Location of Work: Pump station facility East of Bellevue Way and west of Mercer Slough
  Critical Areas and/or Shoreline Present: Stream, Wetland, Steep Slopes, Floodplain, Habitat. Mercer Slough is a shoreline of the state and within shoreline jurisdiction.
  Proposed Work: Staging area for HDD drilling down to Enatai Beach Park and pullback of sewer line. Impact to Parks facility and boat launch. Connect pump station to new Enatai Siphon sewer line. Restoration of impacts and repaving.
  Timing: July 2021 to March of 2022 for staging and construction of Enatai Siphon that is drilled using HDD underground from the pump station to reach Enatai Beach Park. Construction of gravity sewer to connect the Enatai Siphon to the pump station and restoration of disturbance. August 2023 to December 2023 for staging in improved areas to support Enatai Interceptor rehab and relining followed by repaving.

See Figure 3 below for a matrix of sewer segments at each of the six work areas.

Figure 3

Table 1. Construction Segments and Work Areas for the NME Project

NME Project Segment*	Work Area					
	East Channel	Enatai Beach Park	Enatai Hillside	Enatai Shoreline	Mercer Slough Nature Park	Sweyolocken PS
East Channel Siphon	●	●				
Enatai Connector		●				
Enatai Siphon		●	●			
Enatai Interceptor		●		●	●	
Sweyolocken Gravity					●	●

● = at least a portion of the NME Project segment occurs in the identified work area.

C. CRITICAL AREAS INVENTORY AND REPORTS

Critical areas within the project area include geologically hazardous critical areas, wetlands, 110-foot wetland buffer, Mercer Slough (stream), 100-year floodplain and habitat for species of local importance.

KC Wastewater submitted reports and information to describe the critical areas, evaluate proposed permanent and temporary impacts, and to provide restoration of temporary impacts. The following reports have been submitted and are referenced in this report.

- **Project Description and Code Compliance Narrative** – Dated May 2019 by Confluence, describes project, feasibility, avoidance, and matrix of project compliance with all city codes. (Reference Document 2)
- **Wetlands, Streams, and Shorelines Report** – Dated May 2019 by Confluence, identifies all wetlands, streams, geologically hazardous areas, floodplains, habitat, and shorelines in the project area. (Reference Document 3)
- **Critical Areas and Special Shoreline Report** – Dated May 2019 by Confluence, identifies all permanent and temporary impacts to all critical areas and shoreline environments and VCA, describes functions and values, describes mitigation sequencing and mitigation/restoration proposed, and provides monitoring plan. (Reference Document 4)
- **Arborist Report** – Dated May 2019 by Tree Solutions Inc., identifies tree removal, protection, and replacement for project. (Reference Document 5)
- **Geotechnical Report** – Dated May 2018 by Shannon and Wilson Inc., describes soils and subsurface conditions for project and provides recommendations. (Reference Document 6)
- **Addendum to Submitted Plans and Reports** – February 2020 revision of the plans and documents above to update the submittal to 90 percent design plans which added additional impacts to wetlands, wetland buffers, and other areas as the design was further refined.

D. CRITICAL AREAS FUNCTIONS, CONDITIONS, IMPACTS, AVOIDANCE, AND RESTORATION

i. Geologically Hazardous Areas

a. Functions: Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas

also act as conduits for groundwater, which drains from hillsides to provide a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

b. Site Conditions: The submitted Geotechnical Report, Wetlands, Streams, and Shoreline Report, and Critical Areas and Special Shoreline Report documents soils, subsurface conditions, steep slopes and landslide hazard areas in vicinity of the project. Areas of landslide hazards are mapped at the Enatai Beach Park along the shoreline and along the western bank of Mercer Slough. The mapped landslide hazards at the park were found to not meet criteria to be regulated critical areas per the submitted geotechnical report and other reports. Steep slopes are mapped along the Enatai Shoreline adjacent to the I-90 right-of-way and trails.

c. Impacts: The submitted Critical Areas and Shoreline Special Report documents temporary impacts proposed from construction, access, and staging. However, impacts to steep slopes or landslide hazards are avoided by the use of underground boring to install the new Enatai Siphon sewer from Enatai Beach Park to Sweyolocken Pump Station. Avoidance is also achieved by locating staging in improved areas and trails. There are 5,110 square feet of existing paved trails within geologically hazardous areas in Mercer Slough proposed to be used for staging. Use of the paved areas does not result in a temporary impact that requires restoration and no risks to geologically hazardous areas were identified.

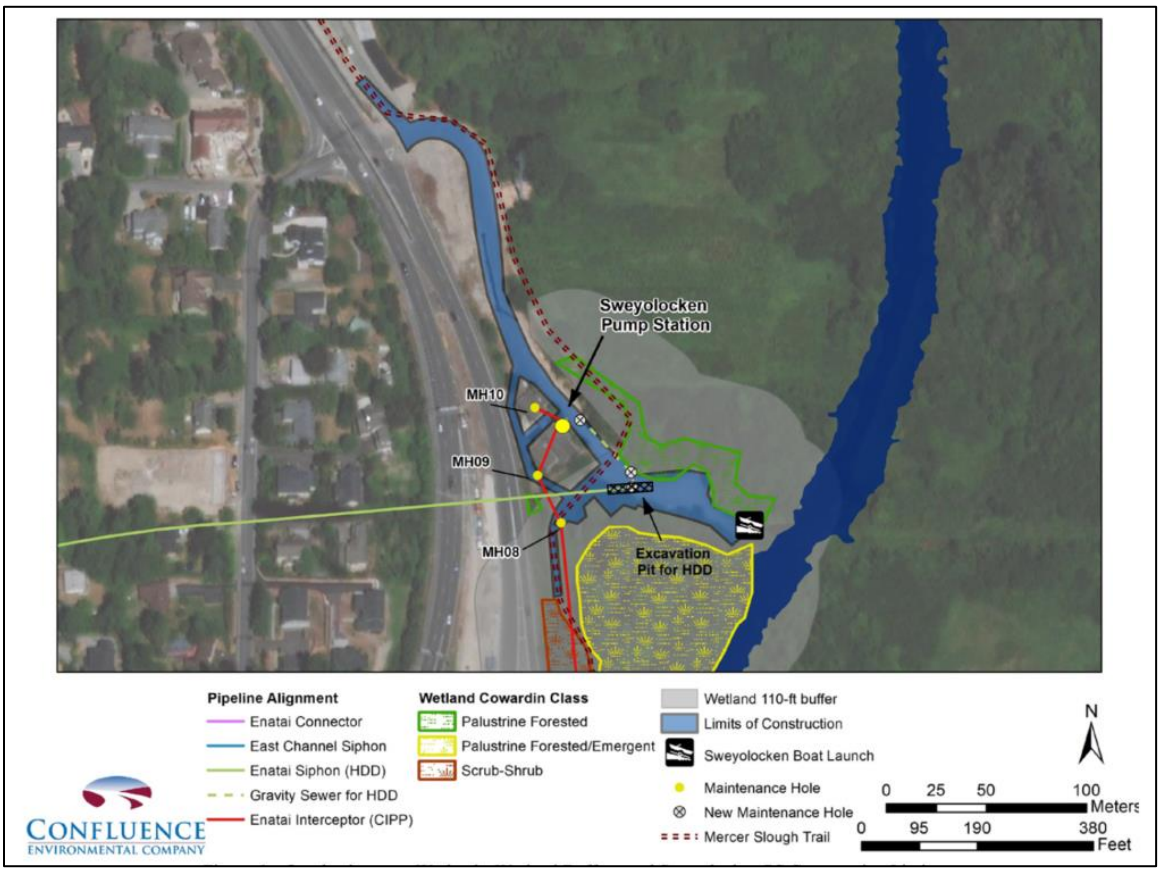
ii. Wetlands

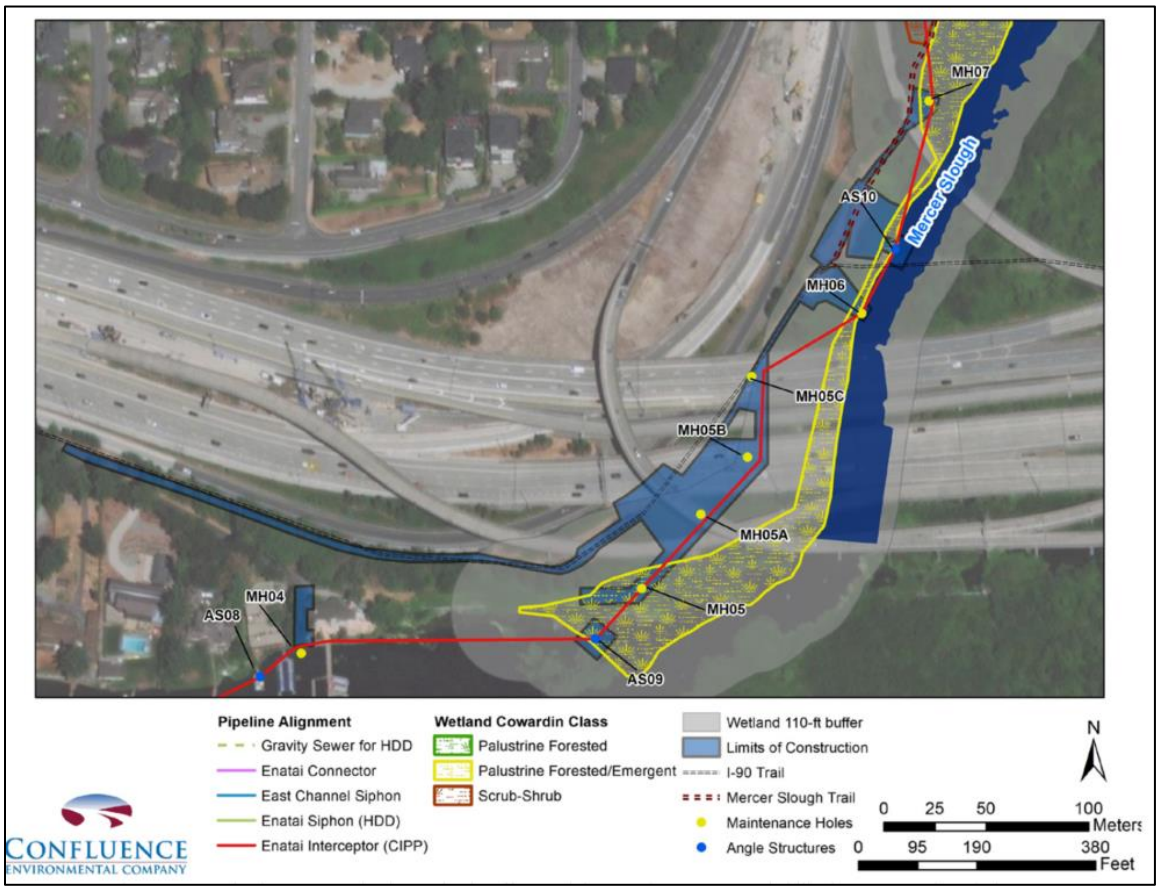
a. Wetland Functions: Wetlands provide important functions and values for both the human and biological environment—these functions include flood control, water quality improvement, and nutrient production. These "functions and values" to both the environment and the citizens of Bellevue depend on their size and location within a basin, as well as their diversity and quality. While Bellevue's wetlands provide various beneficial functions, not all wetlands perform all functions, nor do they perform all functions equally well (Novitski et al., 1995). However, the combined effect of functional processes of wetlands within basins provides benefits to both natural and human environments. For example, wetlands provide significant stormwater control, even if they are degraded and comprise only a small percentage of area within a basin.

b. Site Conditions: The submitted Wetlands, Streams, and Shoreline Report documents wetlands found adjacent to Mercer Slough and surrounding Sweyolocken Pump Station. The Mercer Slough wetland complex is 320 acres and is the largest wetland system associated with Lake Washington. The wetlands impacted by the project are composed of palustrine forested, scrub-shrub, and emergent wetland classes. Vegetation includes native and invasive grasses, Himalayan blackberry, Japanese knotweed, salmonberry, red osier dogwood, Nootka rose, and other native saplings and shrubs. Trees present include Sitka

willow, bitter cherry, black cottonwood, western red cedar, vine maple, and red alder. The wetlands within the project area were determined to be Category II wetlands, consistent with prior wetland categorization of Mercer Slough. Based on wetland rating and scoring, the wetlands have a 110-foot buffer. With the exception of the slope adjacent to Bellevue Way to the west the area is flat with shallow banks. The majority of the wetlands in the project area are undisturbed. Existing disturbance results from Sweyolocken pump station, paved trails, gravel roads, and parking for the boat launch at the pump station. The wetland buffer around Sweyolocken Pump Station was found to be highly degraded whereas the vegetation adjacent to the Mercer Slough Trail is highly functioning and contains mature trees. **See Figure 4 below for wetlands and construction limits.**

Figure 4





c. Wetland/Wetland Buffer Impacts: The submitted Critical Areas and Special Shoreline Report documents all impacts to wetlands and buffers from the project. Impacts to wetland and wetland buffers proposed by the project result from staging, access, and isolation of maintenance holes and structures related to rehabilitation of the Enatai Interceptor (red line in figure 4) through Mercer Slough. Impacts also result from work areas at the Sweyolocken Pump Station related to the excavation pit needed to drill the Enatai Siphon to Enatai Beach Park.

To complete repairs to the existing sewer line within the wetlands and buffer there is no feasible alternative that avoids temporary disturbance of the wetlands and buffers.

- Temporary wetland impact of 7,850 square feet and 44,320 square feet of temporary wetland buffer impacts are proposed over the course of the project construction within identified wetlands of Mercer Slough.
- Impacts around Sweyolocken Pump Station include 6,500 square feet of temporary wetland impact for construction access and temporary excavation. There are 14,510 square feet of existing paved surfaces at the pump station within the wetland buffer that will be utilized for staging and access. However, these areas are conservatively counted as temporary impacts to buffer. Three new maintenance holes will be installed within the paved areas at the pump station. Outside of the paved areas, a total of 7,290 square feet of the degraded wetland buffer around the pump station

will be impacted temporarily by construction. See Figure 5 below for all wetland impacts proposed.

- Two trees are proposed for removal within Mercer Slough, one 11-inch diameter red alder within the wetland and one multi-trunk Pacific willow within wetland buffer.
- Fourteen trees are proposed for removal around the Sweyolocken Pump Station; seven within wetlands, five within the wetland buffer, and two trees outside of protected areas. Trees to be removed include vine maple, Pacific willow, Sitka willow, bitter cherry, black cottonwood, and western red cedar. Tree sizes range from less than eight inches to 15.7 inches with the average size being nine inches.

Figure 5

Table 6. Temporary Impacts within Wetlands and Wetland Buffers

Impact Category	Work Area					
	East Channel	Enatai Beach Park	Enatai Hillside	Enatai Shoreline	Mercer Slough Nature Park	Sweyolocken PS
Wetland						
Impact Area (SF)	--	--	--	--	7,850	6,500
Excavation Volume (CY)	--	--	--	--	9	--
Fill Volume (CY)	--	--	--	--	9	--
Wetland Buffer						
Impact Area (SF)	--	--	--	--	44,320	21,800
Excavation Volume (CY)	--	--	--	--	181	1,831
Fill Volume (CY)	--	--	--	--	181	1,711

CY = cubic yards; PS = pump station; SF = square feet

d. Avoidance and Minimization of Impacts: Impacts have been avoided by staging and accessing from existing paved surfaces such as the I-90 Trails, Mercer Slough Trail, parking and paved areas around Sweyolocken Pump Station, as well as accessing from the water. Impacts were also avoided by rehabilitating the existing Enatai Interceptor rather than building a new one in Mercer Slough. Impacts to wetland soils are minimized through use of load spreading techniques that include swamp mats and hog fuel. Small boats are also proposed to facilitate work in Mercer Slough and avoid impacts to wetland soils. Minimization of impacts also results from locating work area within areas of buffer that are degraded with invasive species that will be removed and the area restored following construction. All proposed conservation and minimization measures are found within the submitted Critical Areas and Special Shoreline Report as reference document 4.

e. Restoration of Impacts and Mitigation: The project phases have been timed to meet the construction sequencing required to maintain sewer system functions but also to avoid temporal loss of wetland functions. Restoration across the project will occur within less than 6 months of any given impact, and immediately after conclusion of construction activity. Restoration of the wetlands and wetland buffers around Sweyolocken Pump Station and in Mercer Slough will be carried

out to restore all temporary impacts. **See conditions in Section X for restoration timing.**

- There will be 7,390 square feet of wetland and 44,130 square feet of wetland buffer enhanced within Mercer Slough to restore impacts from construction. Action will include removal of invasive species and replanting with native species described in the submitted Critical Area and Special Shoreline Report.
- There will be 630 square feet of wetland and 5,930 square feet of wetland buffer restored to address impacts from staging and access. Invasive species will be removed and replaced with native wetland plants.
- Removed trees will be replaced at a ratio of 1:1. Replacement is required for all trees regardless of significance. Two trees must be replaced associated with work in Mercer Slouch and eight trees must be replaced associated with work at Sweyolocken Pump Station. **See conditions in Section X for tree replacement requirement.**

iii. Streams and Riparian Areas

a. Stream Functions: Most of the elements necessary for a healthy aquatic environment rely on processes sustained by dynamic interaction between the stream and the adjacent riparian area (Naiman et al., 1992). Riparian vegetation in floodplains and along stream banks provides a buffer to help mitigate the impacts of urbanization (Finkenbine et al., 2000 in Bolton and Shellberg, 2001). Riparian areas support healthy stream conditions.

Riparian vegetation, particularly forested riparian areas, affect water temperature by providing shade to reduce solar exposure and regulate high ambient air temperatures, slowing or preventing increases in water temperature (Brazier and Brown, 1973; Corbett and Lynch, 1985).

Upland and wetland riparian areas retain sediments, nutrients, pesticides, pathogens, and other pollutants that may be present in runoff, protecting water quality in streams (Ecology, 2001; City of Portland 2001). The roots of riparian plants also hold soil and prevent erosion and sedimentation that may affect spawning success or other behaviors, such as feeding.

Both upland and wetland riparian areas reduce the effects of flood flows. Riparian areas and wetlands reduce and desynchronize peak crests and flow rates of floods (Novitzki, 1979; Verry and Boelter, 1979 in Mitsch and Gosselink, 1993). Upland and wetland areas can infiltrate floodflows, which in turn, are released to the stream as baseflow

Stream riparian areas, or buffers, can be a significant factor in determining the quality of wildlife habitat. For example, buffers comprised of native vegetation with multi- canopy structure, snags, and down logs provide habitat for the greatest range of wildlife species (McMillan, 2000). Vegetated riparian areas also provide

a source of large woody debris that helps create and maintain diverse in-stream habitat, as well as create woody debris jams that store sediments and moderate flood velocities.

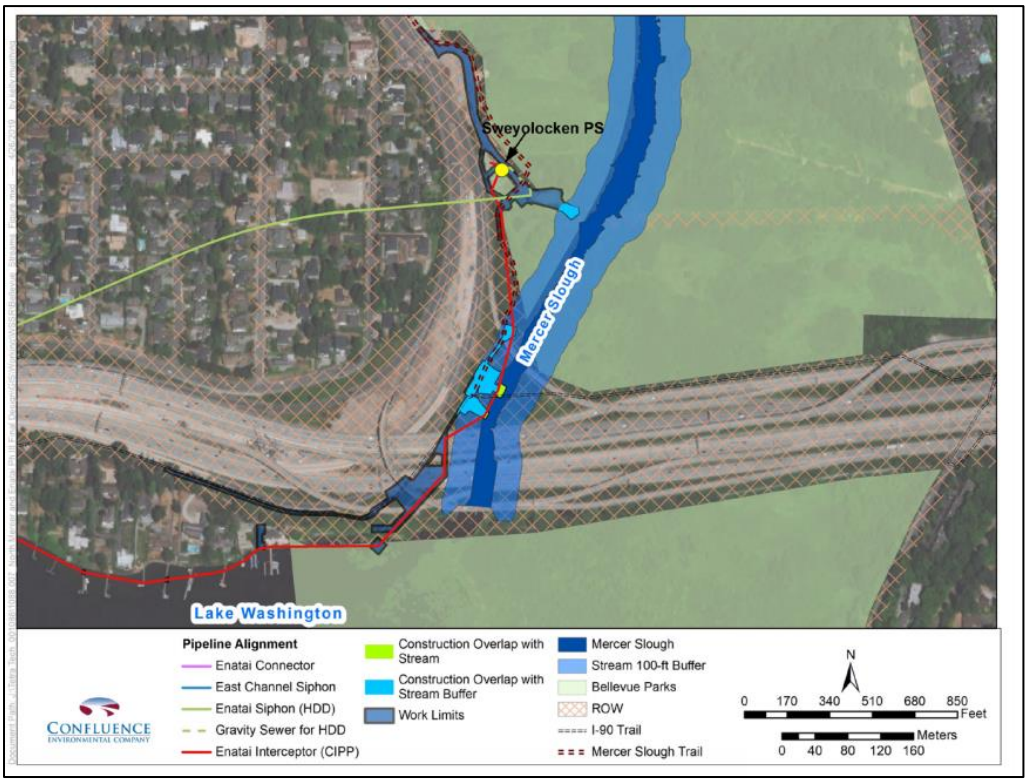
Sparsely vegetated or vegetated buffers with non-native species may not perform the needed functions of stream buffers. In cases where the buffer is not well vegetated, it is necessary to either increase the buffer width or require that the standard buffer width be restored or revegetated (May 2003). Until the newly planted buffer is established the near term goals for buffer functions may not be attained.

Riparian areas often have shallow groundwater tables, as well as areas where groundwater and surface waters interact. Groundwater flows out of riparian wetlands, seeps, and springs to support stream baseflows. Surface water that flows into riparian areas during floods or as direct precipitation infiltrates into groundwater in riparian areas and is stored for later discharge to the stream (Ecology, 2001; City of Portland, 2001).

b. Site Conditions: The submitted Wetlands, Streams, and Shoreline Report documents Mercer Slough which is a Type-S stream found within the Mercer Slough Natural Area and surrounding the Sweyolocken Pump Station. Mercer Slough and the required 100-foot buffer is the only stream and buffer within the project area. The stream buffer and Mercer Slough overlap with the wetland and wetland buffer described above. Mercer Slough is also part of the shoreline overlay district which is described in more detail later in this report.

Mercer Slough is a low gradient, low velocity stream that is a backwater of Lake Washington as the slough is the same elevation as the lake. Aquatic vegetation is present and primarily consists of fragrant waterlily, a non-native and invasive plant and reed canary grass. Mercer Slough provides foraging and rearing habitat to Bull trout, Chinook salmon, sockeye salmon, winter steelhead, and coho salmon. **See Figure 6 below for project location in Mercer Slough.**

Figure 6



c. Stream/Stream Buffer Impacts: Impacts within the stream result from repair of an angled sewer structure, which is a sewer pipe segment that angles in different direction. This structure and others in the lake are problematic for the relining repair and require the area around the structures to be isolated from the waterbody and dewatered for up to five months in order to carry out repairs. The proposal to isolate the sewer structure in Mercer Slough results in 1,630 square feet of temporary impact within stream buffer habitat.

d. Avoidance and Minimization of Impacts: Impacts are avoided by rehabilitating the existing sewer line in place and accessing it using existing maintenance holes and staging from paved areas. Work will be done from boats and barges where practical. Risk of increased turbidity from work will be minimized through use of isolation curtains, monitoring and other BMPs required by City codes.

e. Restoration of Impacts: The proposal includes enhancement of Mercer Slough that will improve habitat along the stream through removal of invasive vegetation and replanting with native plants as described in the wetland section above. Restoration of temporary construction impact will result from removal of isolation around the sewer structure.

iv. Floodplain

a. Floodplain Functions: The value of floodplains can be described in terms of both

the hydrologic and ecological functions that they provide. Flooding of occurs when either runoff exceeds the capacity of rivers and streams to convey water within their banks, or when engineered stormwater systems become overwhelmed. Studies have linked urbanization with increased peak discharge and channel degradation (Dunne and Leopold 1978; Booth and Jackson 1997; Konrad 2000). Floodplains diminish the effects of urbanization by temporarily storing water and mediating flow to downstream reaches. The capacity of a floodplain to buffer upstream fluctuations in discharge may vary according to valley confinement, gradient, local relief, and flow resistance provided by vegetation. Development within the floodplain can dramatically affect the storage capacity of a floodplain, impact the hydrologic regime of a basin and present a risk to public health and safety and to property and infrastructure.

b. Site Conditions: Mercer Slough has a 100-year floodplain that overlaps with Mercer Slough buffer and adjacent wetlands.

c. Floodplain Impacts: There are 25,690 square feet of floodplain area overlaps with the wetlands and Mercer Slough buffer and is part of the temporary impacts described previously within Mercer Slough and around Sweyolocken Pump Station. No new development is proposed in the floodplain as the proposal in this area is to rehabilitate the existing sewer line. No rise in the Base Flood Elevation is proposed or will result from the proposal.

v. Habitat

a. Habitat Functions: Urbanization, the increase in human settlement density and associated intensification of land use, has a profound and lasting effect on the natural environment and wildlife habitat (McKinney 2002, Blair 2004, Marzluff 2005, Munns 2006), is a major cause of native species local extinctions (Czech et al 2000), and is likely to become the primary cause of extinctions in the coming century (Marzluff et al. 2001a). Cities are typically located along rivers, on coastlines, or near large bodies of water. The associated floodplains and riparian systems make up a relatively small percentage of land cover in the western United States, yet they provide habitat for rich wildlife communities (Knopf et al. 1988), which in turn provide a source for urban habitat patches or reserves. Consequently, urban areas can support rich wildlife communities. In fact, species richness peaks for some groups, including songbirds, at an intermediate level of development (Blair 1999, Marzluff 2005).Protected wild areas alone cannot be depended on to conserve wildlife species. Impacts from catastrophic events, environmental changes, and evolutionary processes (genetic drift, inbreeding, colonization) can be magnified when a taxonomic group or unit is confined to a specific area, and no one area or group of areas is likely to support the biological processes necessary to maintain biodiversity over a range of geographic scales (Shaughnessy and O'Neil 2001). As well, typological approaches to taxonomy or the use of indicators present the risk that evolutionary potential will be lost when depending on reserves for preservation (Rojas 2007). Urban habitat is a vital link in the process of wildlife conservation in the U.S.

b. Site Conditions: There are 27 species of local importance that have potential habitat along the project alignment within Bellevue. These are documented in the submitted Wetlands, Streams, and Shorelines Report. Some of the species are listed by state or federal agencies as threatened or endangered under the Endangered Species Act. **See figure 7 below for potential species present within the project area.**

Figure 7

Table 9. Species of Local Importance Potentially Present along the NME Project Pipeline Alignment

Species (Common Name)	Species (Scientific Name)	Federal and State Status	ESA-Listed Species	PHS
Birds				
Bald eagle	*Haliaeetus leucocephalus*	FCo	--	○
Peregrine falcon	*Falco peregrinus*	FCo	--	○
Common loon	*Gavia immer*	SS	--	●
Pileated woodpecker	*Dryocopus pileatus*	SC	--	○
Vaux's swift	*Chaetura vauxi*	SC	--	○
Merlin	*Falco columbarius*	--	--	--
Purple martin	*Progne subis*	SC	--	○
Western grebe	*Aechmophorus occidentalis*	SC	--	○
Great blue heron	*Ardea herodias*	--	--	●
Osprey	*Pandion haliaetus*	--	--	○
Green heron	*Butorides striatus*	--	--	○
Red-tailed hawk	*Buteo jamaicensis*	--	--	○
Bats and Myotis				
Western big-eared bat	*Plecotus townsendii*	--	--	--
Keen's myotis	*M. keenii*	SC	--	●
Long-legged myotis	*M. volans*	--	--	●
Long-eared myotis	*M. evotis*	--	--	●
Amphibians and Reptiles				
Oregon spotted frog	*Rana pretiosa*	SE, FT	●	●
Western toad	*Bufo boreas*	SC	--	●
Western pond turtle	*Clemmys marmorata*	SE	--	●
Fish				
Bull trout	*Salvelinus confluentus*	SC, FT	●	●
Chinook salmon	*Oncorhynchus tshawytscha*	SC, FT	●	●
Winter steelhead	*O. mykiss*	SC, FT	●	●
Coho salmon	*O. kisutch*	--	--	●
Coastal cutthroat trout	*O. clarki*	--	--	●
Sockeye salmon	*O. nerka*	--	--	●
Rainbow trout	*O. mykiss*	--	--	●
River lamprey	*Lampetra ayresi*	SC, FCo	--	●

ESA = Endangered Species Act, FT = federally threatened; FE = federally endangered; FCo = federal species of concern; PHS = priority habitats and species based on WDFW (2018a, 2019) due to vulnerable aggregations, commercial, recreational, or tribal importance; SE = state endangered; SS = state sensitive; SC = state candidate

● = documented in reports or online literature; ○ = not documented in reports or online literature but likely present based on habitat.

c. Habitat Impacts, Avoidance, and Restoration: Usage by species would primarily be in the form of rearing, foraging, and migrating. The proposed temporary impacts are not considered likely to impact species, due to the temporary nature of the impact or measures taken to isolate work areas from importance species and timing work during allowed work windows. Impacts are

avoided by staging and accessing from existing paved areas and trails. Restoration proposed will remove areas of invasive vegetation to be replaced with native vegetation that will improve habitat functions. **See Conditions of Approval regarding restoration work windows in Section X of this report.**

E. SHORELINE FUNCTIONS, CONDITIONS, IMPACTS, AVOIDANCE, AND RESTORATION

i. Shoreline Functions:

Shorelines provide a variety of functions including shade, temperature control, water purification, woody debris recruitment, channel, bank and beach erosion, sediment delivery, and terrestrial-based food supply (Gregory et al. 1991; Naiman et al. 1993; Spence et al.1996).

Shorelines provide a wide variety of functions related to aquatic and riparian habitat, flood control and water quality, economic resources, and recreation, among others. Each function is a product of physical, chemical, and biological processes at work within the overall landscape. In lakes, these processes take place within an integrated system (ecosystem) of coupled aquatic and riparian habitats (Schindler and Scheuerell 2002). Hence, it is important to have an ecosystem approach which incorporates an understanding of shoreline functions and values. The discussion presented herein emphasizes this ecosystem approach.

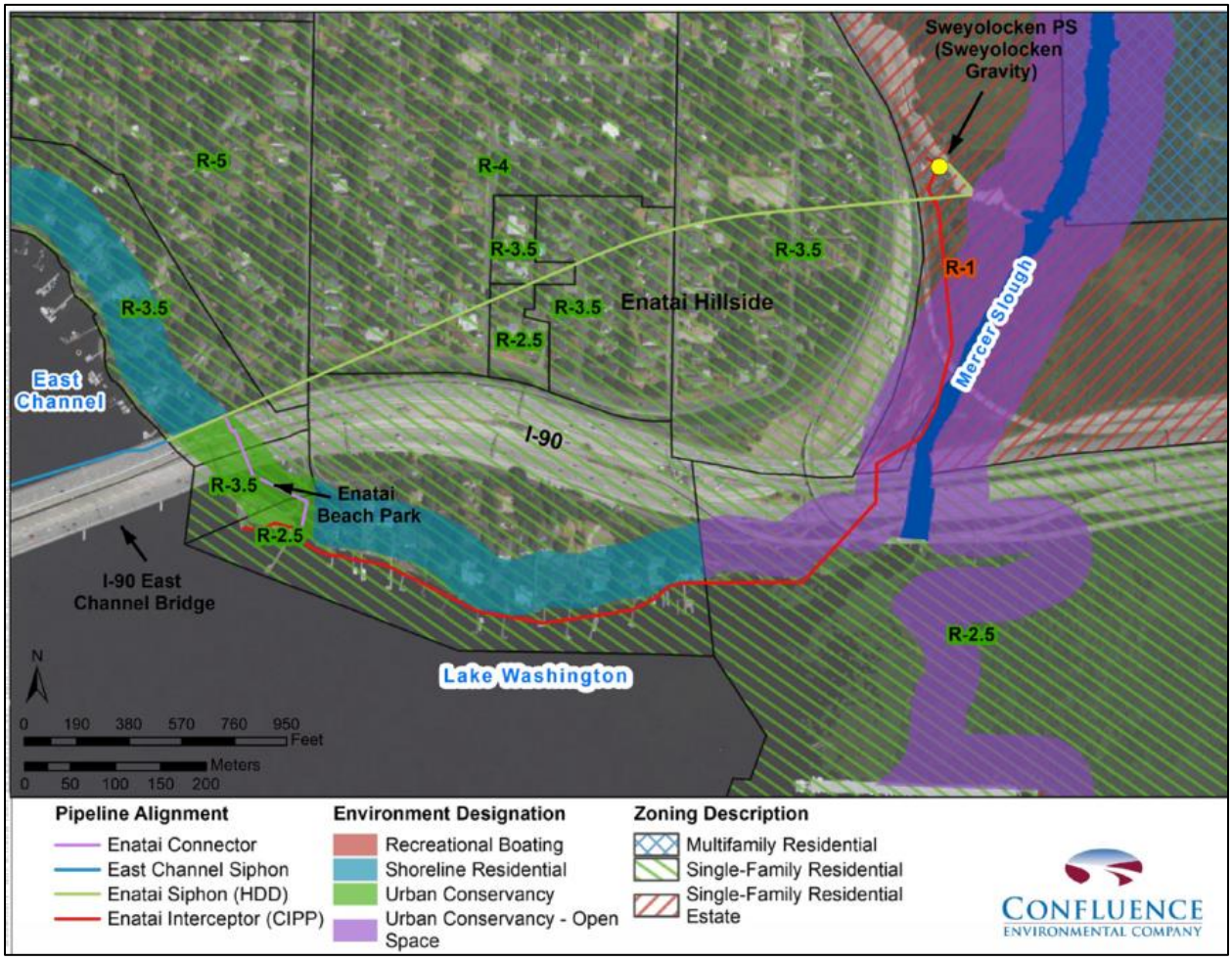
ii. Site Conditions:

Lake Washington, Mercer Slough and lands within 200 feet of the OHWM are within the shoreline jurisdiction. Substrate consists of a mix of gravel, sand, muck, cobble and occasional boulders. Aquatic vegetation consists of watermilfoil which is a Class B noxious weed. Lake Washington provides habitat for salmon that are designated as local species of importance and include Chinook Salmon, steelhead, and bull trout and their spawning areas. Mercer Slough and adjacent wetlands have been previously described in this report but are also within shoreline jurisdiction. In addition to work in the Aquatic shoreline environment, the project area has the shoreline environmental designations of Shoreline Residential, Urban Conservancy, and Urban Conservancy – Open Space.

Land 50 feet upland of the OHWM is within the Vegetation Conservation Area (VCA) that protects any vegetation with the area. The shoreline of Enatai Beach Park includes three Douglas Fir trees, bare and compact ground, invasive species, park features, playground, parking lot, and ornamental vegetation. The shoreline along Enatai residential is developed with single-family residences, armored shorelines, private moorages, and ornamental vegetation with some large native trees. The shoreline along Mercer Slough is composed of herbaceous and woody vegetation. There is a mix of trees and native vegetation and large coverage by invasive vegetation. The shoreline of Sweyolocken Pump Station, within the shoreline Urban Conservancy Open Space environment, is improved with building, parking, roads, and

trails that have degraded the wetland buffer**. See Figure 8 below for shoreline environments.**

Figure 8



iii. Shoreline Impacts:

As described earlier in this report, the temporary impacts that result from this project are from staging and access for construction. Shorelines and areas of upland located within the 50-foot Vegetation Conservation Area (VCA) that are impacted are at Enatai Beach Park, along the Enatai shoreline, Mercer Slough, and the area around Sweyolocken Pump Station that is within shoreline jurisdiction. Permanent impacts result from the work to construct new sewer lines, road access and impervious surfaces, sewer connections, and equipment at Enatai Beach Park. All other impacts are temporary and result from the rehabilitation of the Enatai Interceptor and accessing this sewer line that is underwater. Site restoration at Enatai Beach Park includes replacing existing improvements and shoreline stabilization. This stabilization will include adding anchor logs, gravels, removing invasive vegetation and replanting. Along the Enatai Shoreline there are three private properties that have docks over the sewer line. Portions of these docks must be removed in order to access the sewer line below. Following construction, the removed dock portions will be restored, consistent with the requirements of the moorage regulations in LUC 20.25E.065. One

property immediately west of Enatai Beach Park also has a dock that will be removed and not replaced as the dock is within WSDOT right-of-way. There will be 81,240 square feet of permanent and temporary impacts to shorelines and VCA, that are not already accounted for within critical areas, proposed and described in Figure 9 below.

Figure 9

Table 11. Permanent and Temporary Impacts within Shorelines

Impact Category	Work Area					
	East Channel	Enatai Beach Park	Enatai Hillside	Enatai Shoreline	Mercer Slough Nature Park	Sweyolocken PS
Permanent Impacts						
Added Impervious Surface (SF)	--	11,920	--	--	--	--
Temporary Impacts – VCAs						
Impact Area (SF)	--	29,790	--	1,280	8,100	620
Excavation Volume (CY)	--	1,857	--	--	--	--
Fill Volume (CY)	--	1,857	--	--	--	--
Temporary Impacts – Shorelines (outside of VCAs)						
Impact Area (SF)	--	57,200	--	1,080	48,180	13,250
Excavation Volume (CY)	--	3,530	--	--	--	1,451
Fill Volume (CY)	--	3,020	--	--	--	1,331

CY = cubic yards; PS = pump station; SF = square feet; VCA = vegetation conservation areas

Removal of trees is proposed within the impacted areas noted in figure 9 above. Nineteen trees are proposed for removal within the shoreline jurisdiction, of which 15 are located within the VCA but no significant tree removal is proposed in the VCA. See Figure 10 below for tree removal within the shoreline jurisdiction that is outside of critical areas.

Figure 10

Table 12. Proposed Tree Removal within Shorelines

Work Area	Common Name	Quantities	DSH (inch)*	Tree ID	PLAN Sheet	Jurisdiction
Regulated Tree Removals**						
Enatai Beach Park	Douglas fir Gingko biloba	1 1	32.0 4.0	21021 110	L-G236 L-G237	Private WSDOT
	Regulated Total	**2**				
Unregulated Tree Removals						
Enatai Beach Park	Japanese stewartia	1	2.0	126	L-G237	Bellevue ROW
Enatai Beach Park	Japanese stewartia	1	2.0	125	L-G237	Bellevue ROW
Enatai Shoreline	Arborvitae hedge	14	<4.0	41657-41664 41720-41725	L-G605	Bellevue ROW
	Unregulated Total	**16**				

DSH = diameter at standard height; PLAN = Site Plan B; PS = pump station; ROW = right-of-way; VCA = vegetation conservation area; WSDOT = Washington State Department of Transportation

**A one-stem equivalent was calculated for multiple stemmed trees (e.g., Pacific willows).
**Regulated trees are defined as "significant" under LUC 20.50.046 S definitions for trees in Bellevue (≥8-inch dbh) and defined as "category 1 and 2" within WSDOT ROW (trees ≥4-inch dbh)

iv. Avoidance and Minimization of Impacts:

Avoidance of impacts is achieved by rehabilitating the existing Enatai Interceptor rather than constructing a new sewer line. Creation of new impervious surfaces at

Enatai Beach Park is minimized as much of the park and new surfaces are underneath the I-90 East Channel Bridge which is already creating impervious surface coverage of the area. The project also will incorporate numerous Best Management Practices and monitoring of turbidity and sediments as described in the Critical Areas and Special Shorelines Report (reference document 4).

v. Restoration and Mitigation:
Vegetation removed is proposed to be restored at a ratio of 1:1 and impacted shoreline areas restored to preconstruction conditions.

F. CUMULATIVE IMPACTS and TREE REMOVAL

Per the submitted Arborist Report (reference document 5) and Critical Areas and Special Shorelines Report (reference document 4), the project results in the removal of 30 trees, most of which are non-significant trees less than eight inches in diameter. Nineteen of these trees are within the shoreline jurisdiction and outside of the critical areas overlay district. All trees are proposed to be replaced at a 1:1 ratio. All tree replacement is required to be clearly depicted on plans submitted under the future construction permits. **See Conditions of Approval regarding trees replacement in Section X of this report.**

The project impacts a total of 241,890 square feet of area including impacts to the lake bed, the shoreline and uplands, private docks, wetlands and wetland buffer. Large portions of this impact area include areas of paved trails and other paved areas that are within buffers but are not actually resulting in loss of vegetation. Impacted areas also include areas that are improved for park or utility use and which are proposed to be restored to their prior function. All areas of vegetation that are impacted by construction are proposed to be restored with additional enhancement planting provided at Enatai Beach Park. Total restoration and enhancement area proposed is 243,240 square feet of which 83,980 square feet is restoration and enhancement planting. Most of the proposed planting area is noted to be currently covered in invasive vegetation, lacking trees and shrub cover, and the areas are to be restored with native planting which not only restores temporary disturbance but provides enhancement of the areas. As stated in the reports submitted, this enhancement is provided to improve habitat functions and offset any temporal impacts from the duration of temporary construction impacts. However, the proposed conceptual planting that enhances these areas does not include any trees. Trees may not be proposed within scrub-shrub or emergent wetlands but replanting in wetland buffer and forested wetlands must include trees. Credit can be given for existing tree canopy cover but if not present then the proposed restoration must include trees as well as shrubs and ground cover. The trees included as enhancement are in addition to the 1:1 replacement required for identified tree removal. **See Conditions of Approval regarding restoration planting in Section X of this report.**

III. CONSITENCY WITH LAND USE CODE REQUIREMENTS

The applicant has submitted a Code Compliance Narrative which is reference document 2. This narrative documents each specific code section that is applicable to the project and addresses each requirement to show how the project is in conformance with the code. The following summarizes conformance to the applicable sections of the Land Use Code.

A. PUBLIC UTILITIES GENERAL DEVELOPMENT REQUIREMENTS – LUC 20.20.650

The proposal is improvement and rehabilitation of a regional utility system. Design standards applicable to Utility Facilities in LUC 20.20.650.A are met by the proposal as no changes to the existing Sweyolocken Pump Station structure are proposed and no structures are proposed at Enatai Beach Park. The project is associated with a regional utility facility and also subject to LUC 20.20.650.B. The project minimizes impacts to properties by constructing the East Channel Siphon in the water and the Enatai Siphon by boring under the Enatai neighborhood. Rehabilitation of the existing Enatai Interceptor sewer line also keeps the existing sewer line in place with only temporary impacts to private docks in Lake Washington. All impacted structures will be rebuilt in same configuration. The proposal utilizes the best available technology and is intended to ensure continued service of the utility facility and environmental protection.

B. CRITICAL AREAS OVERLAY DISTRICT REQUIREMENTS – LUC 20.25H

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes standards and procedures that apply to construction of improvements on any site which contains in whole or in part any portion designated as critical area or critical area buffer. The proposed repair and rehabilitation of the sewer is an allowed repair that results in temporary impacts to critical areas and buffers. The proposal is subject to the following critical areas requirements.

LUC Section	Performance Standard/Code Provision	Applicable Critical Area
20.25H.055.C	Performance Standards for New and Expanded Uses or Development	Wetlands, Steep Slopes, Streams
20.25H.080	Performance Standards for Streams (Type S or F) and Associated Stream Buffers	Streams
20.25H.100	Performance Standards for Wetlands and Wetland Critical Area Buffers	Wetlands
20.25H.105	Mitigation and Monitoring – Additional Provisions	Wetlands
20.25H.125	Performance Standards for Landslide Hazards and Steep Slopes	Landslide Hazards, Steep Slopes
20.25H.160	Performance Standards – Species of Local Importance	Habitat and Important Species
20.25H.215	Mitigation Sequencing	All

i. Consistency with LUC 20.25H.055.C

The project results disturbance of a critical area and critical area buffer which requires the project to document how the chosen alternatives are the most technically feasible alternative with the least impact(LUC 20.25H.055.C.2.a). The chosen alternatives must then be in conformance with development standards in LUC 20.25H.055.C.2.b. The proposal is to replace or rehabilitate an existing sewer system and maintain the sewer

functions. Given the need to maintain sewer service there is no alternative that avoids impacts to critical areas. However, as discussed previously only temporary impacts are proposed within critical areas. Rather than replace the Enatai Interceptor that is located in Mercer Slough and wetlands, the proposal will rehabilitate the existing sewer line and avoids the impacts that new construction would cause. Boring the new Enatai Siphon underground is also the alternative that has the greatest avoidance of impacts compared to the alternative methods of construction. Impacts to vegetation and soils are avoided by staging in the water from boats and barges as well as from existing paved areas and trails. BMPs will also be in place to prevent soil compaction. All work is proposed to occur during in-water work windows or as allowed by the US Army Corps and will avoid impacts to salmon and habitat. All work within the wetlands and Mercer Slough is the minimum necessary to repair the existing sewer line. The project will not affect aquatic flows or storage capacity or change the base flood elevation. As discussed previously, all impacted areas are proposed to be restored. **See Conditions of Approval regarding restoration work windows in Section X of this report.**

ii. Consistency with LUC 20.25H.080

The project is working within Mercer Slough which is a Type-S stream and the proposal must be in conformance with the performance standards for projects that impact Type-F or Type-S streams. The proposal does not result in any permanent lighting. Following construction, the sewer will not generate any noise. Construction noise will be minimized through BMPs and allowed construction hours. No new impervious surfaces or stormwater will be created in Mercer Slough or the 100-foot stream buffer. Replanting in the stream buffer is proposed to restore areas of temporary impacts. Final planting plans are required to be submitted under future construction permits. **See Conditions of Approval regarding restoration planting in Section X of this report.**

iii. Consistency with LUC 20.25H.100 and LUC 20.25H.105

The project will have temporary impacts within Category II wetlands and the 110-foot wetland buffers that protect them, and the project is required to meet the performance standards for wetlands and buffers as found in the submitted Critical Areas and Special Shorelines Report and Code Compliance Narrative. The proposal does not result in any permanent lighting. The sewer will not generate any noise. Construction noise will be minimized through BMPs and allowed construction hours. No new impervious surfaces or stormwater will be created in Mercer Slough or the 100-foot stream buffer. Replanting in the stream buffer is proposed to restore areas of temporary impacts. Final planting plans are required to be submitted under future construction permits. **See Conditions of Approval regarding restoration planting in Section X of this report.**

iv. Consistency with LUC 20.25H.125

No new above-ground structures are proposed and changes to existing topography are not anticipated. No new impervious surfaces are proposed in critical areas. The project will restore all areas of temporary disturbance.

v. Consistency with LUC 20.25H.160

There are 27 species of local importance that have potential habitat within the proposed project area. The project is working with WDFW on BMPs to decrease disturbance and avoid impacts to species. As the impacts proposed are temporary the project biologist found that it was unlikely that temporary impacts would have a significant impact on species.

vi. Consistency with LUC 20.25H.215 and LUC 20.25H.220

The project is subject to demonstrating that mitigation sequencing has been considered to avoid and minimize impacts to critical areas and buffers. The proposal represents the best alternative with least impact through the use of boring underground and rehabilitation of the existing Enatai Interceptor that is within Mercer Slough and associated wetlands. All impacts are temporary and result from construction access and staging. Even these impacts are reduced through the use of existing paved surfaces and trails for staging and storage. Impacts have been avoided and minimized as much as is possible. Temporary impacts from construction are proposed to be restored. The Critical Areas and Special Shorelines Report (reference document 4) includes a five-year maintenance and monitoring plan with goals and performance standards to ensure the success of the restoration planting. **See Conditions of Approval regarding restoration and maintenance and monitoring in Section X of this report.**

C. SHORELINE OVERLAY DISTRICT REQUIREMENTS – LUC 20.25E

The City of Bellevue Land Use Code Shoreline Overlay District (LUC 20.25E) implements the City's Shoreline Master Program and establishes standards and procedures that apply to construction of improvements on any site in a shoreline of the state or within 200 feet of a shoreline which is defined as the shoreline jurisdiction. The proposed repair and rehabilitation of the sewer is an allowed repair that results in temporary and permanent impacts within the shoreline jurisdiction. The proposal is subject to the following requirements which are addressed in the submitted Critical Areas and Special Shorelines Report (reference document 4).

LUC Section	Performance Standard/Code Provision
20.25E.060.B	No Net Loss of Ecological Function
20.25E.060.C	Technical Feasibility Analysis
20.25E.060.D	Mitigation Requirements and Sequencing
20.25E.060.E	Requirements Applicable to Development and Uses in the Shoreline
20.25E.060.H	Accessory Parking, Loading Space, and Maintenance Access
20.25E.060.K	Vegetation Conservation and Landscape Standards
20.25E.065.H	Residential Moorage
20.25E.070.E	Utilities
20.25E.080.C	Clearing, Grading, and Fill in the Shoreline
20.25E.080.D	Dredging and Dredge Material Disposal
20.25E.080.F	Shoreline Stabilization

i. Consistency with 20.25E.060.B

No-net loss analysis is found in the submitted Critical Areas and Special Shorelines Report (reference doc. 4). The project avoids and minimizes impacts such that the only permanent impact is located at the Enatai Beach Park due to construction of an access road that results in new impervious surface. Temporary impacts from construction are proposed to be restored. The project proposes to increase habitat functions within impacted areas in the wetlands within Mercer Slough that are within shoreline jurisdiction. Restoration of impacted areas is proposed at a 1:1 ratio that will restore lake bed gravels, existing improvements, as well as vegetated areas. The proposed planting of vegetated areas will remove invasive species present and replant the areas with native vegetation. The result of the restoration and enhancement is that the project achieves no-net loss of shoreline functions.

ii. Consistency with 20.25E.060.C

The submitted Project Description and Code Compliance Narrative (reference document 2) provides analysis that shows how the proposal is the alternative that is the most technically feasible given location of existing sewer improvements and the sewer functions that need to be maintained. The proposal rehabilitates the existing Enatai Interceptor in place and avoids construction of a new line within Lake Washington and Mercer Slough. The proposed construction of the East Channel Siphon that crosses Lake Washington is to replace the existing sewer line that crosses the lake. All disturbance from the project has been minimized as discussed earlier in this report by locating staging, access, and construction within exiting paved areas, paved trails, and disturbed areas. The project will employ BMPs to minimize impacts. The project does proposed work within salmon habitat but is limited to the allowed in-water work windows regulated by the US Army Corps or as

allowed under federal permitting. All temporary disturbance is proposed to be restored.

iii. Consistency with 20.25E.060.D

The only permanent impact is within 200 feet of Lake Washington at Enatai Beach Park and is to construct a new access road. No permanent impacts are proposed in the 50-foot Vegetation Conservation Area. All other impacts are temporary and result from construction access and staging. As already discussed, the proposed alternatives avoid and minimize impacts as much as possible. All impacts are proposed to be restored and replanting will be maintained and monitored for five years. Mitigation sequencing is provided in the submitted Critical Areas and Special Shorelines Report (reference document 4).

iv. Consistency with 20.25E.060.E

The proposal is mostly within Lake Washington and avoids disruption of the shoreline. All impacts to vegetation and trees are the minimum necessary. All proposed work is consistent with City of Bellevue codes and standards. All temporary disturbance is proposed to be restored.

v. Consistency with 20.25E.060.H

The proposed maintenance access road at Enatai Beach Park will also provide access for small non-motorized boats and to reach Lake Washington. This road is proposed in coordination with the Bellevue Parks Department to enhance shoreline access at the park as well as meet the needs for sewer maintenance. The impacts from this road are minimized as it is within area already impacted and is not within the 50-foot Vegetation Conservation Area.

vi. Consistency with 20.25E.060.K

Existing improvements at Enatai Beach Park, along the Enatai shoreline or at Sweyolocken Pump Station will be restored following construction. All temporary impacts within the vegetation conservation area are proposed to be restored. No significant trees are proposed for removal within the VCA. Smaller trees and vegetation are proposed to be removed but is limited and will be restored following construction. Trees will be protected during construction and have been assessed by an arborist. The project will obtain a clearing and grading permit and meet all requirements. **See Conditions of Approval regarding clearing and grading permit BMPs in Section X of this report.**

vii. Consistency with 20.25E.065.H

The project proposes to rehabilitate the Enatai Interceptor in place within Lake Washington. This sewer line provides service to properties along Lake Washington. These properties have constructed docks on the lake, some of which are proposed to be impacted by construction in order to access maintenance holes. Sections of existing docks will be removed during construction and replaced with grated decking following construction. A temporary sewer bypass will also be installed across the properties along Lake Washington. Any impacts to private shorelines will be restored following construction. **See Conditions of Approval regarding dock restoration in Section X of**

this report.

viii. Consistency with 20.25E.070.E

The proposal is to replace existing sewer lines that are underground or underwater. The proposal is a minor expansion of the system as it does not increase permanent disturbance more than 20 percent of the utility facility. Requirements for public access are not triggered as the proposal is not a new or expanded utility facility and the proposed system improvements are fully buried or underwater and as such would be exempt from LUC 20.25E.060.I. The proposal impacts Enatai Beach Park, private shorelines, and public trails and areas within Mercer Slough. These areas are all to be restored following construction to ensure access to the shoreline in these areas is maintained. All proposed work is the minimum necessary to ensure the existing sewer system continues to function. All proposed temporary impacts will be restored, and the project is consistent with all City of Bellevue codes and standards.

ix. Consistency with 20.25E.080.C

The project complies with LUC 20.25H.180 where within the floodplain in Mercer Slough. There is no fill proposed to create dry land or result in a rise of the Base Flood Elevation. The project will also comply with the requirements of BCC 24.06 and 23.76 for Storm and Surface Water and Clearing and Grading respectively. All excavation proposed is to bury constructed utilities and will be restored following construction. All proposed material will be appropriate gravels to restore aquatic substrate as approved by WDFW. **See Conditions of Approval regarding substrate restoration in Section X of this report.** Fill material used in upland locations will be clean material from off-site sources. Excavated material from upland locations that is not used for backfilling will be transferred to approved disposal locations. The project will employ BMPs to control sediments and minimize impacts. **See Conditions of Approval regarding clearing and grading permit BMPs in Section X of this report.**

x. Consistency with 20.25E.080.D

The project will be utilizing cut and cover trenching within Lake Washington to construct the East Channel Siphon and Enatai Connector. This activity will dredge material from the lake and the area will be restored following construction. There is no dredging proposed for reasons not related to construction of the sewer system.

xi. Consistency with 20.25E.080.F

The project will impact the shoreline at Enatai Beach Park and the proposal will require restoration of the shoreline using soft stabilization techniques. The proposed shoreline restoration will use natural materials, bioengineering, beach nourishment, and vegetation. No change to the OHWM location is proposed.

IV. PUBLIC NOTICE AND COMMENTS

Application Date:	May 23, 2019
Notice of Application:	June 27, 2019
Public Notice Signs:	June 27, 2019
Minimum Comment Period:	July 29, 2019
Public Meeting:	August 22, 2019

The project was publicly noticed in the City's Weekly Permit Bulletin, in the Seattle Times, and by signage posted in several locations adjacent to the project alignment on June 27, 2019. A public meeting was held on August 22, 2019. No comments have been submitted and no interested parties attended the public meeting.

King County also completed a separate public notice and outreach as part of their SEPA review that culminated with the issuance of the SEPA Determination of Non-Significance found as reference document 7.

V. TECHNICAL REVIEW

A. CLEARING & GRADING

The Clearing and Grading Division of the Development Services Department has reviewed the proposal for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposal and has approved the applications. The project will require a clearing and grading permit. Geotechnical review of the final plans is required, and the engineer must provide a letter that confirms the project conforms to their recommendations. The geotechnical engineer must also provide geotechnical inspection during construction. Rainy season restrictions apply to the project. **See Conditions of Approval regarding clearing and grading in Section X of this report.**

B. UTILITIES

The Utilities Department has reviewed and approved the proposal. Any construction work on City owned water, sewer and storm mains will require a permit from the Utilities Department. **See Conditions of Approval regarding utilities in Section X of this report.**

C. TRANSPORTATION REVIEW

Use of the Right of Way During Construction

Applicants often request use of the right of way and of pedestrian easements for materials storage, construction trailers, hauling routes, fencing, barricades, loading and unloading and other temporary uses as well as for construction of utilities and street improvements. A Right of Way Use Permit for such activities must be acquired prior to issuance of any construction permit including demolition permit. Sidewalks may not be closed except as specifically allowed by a Right of Way Use Permit. **See Conditions of Approval regarding ROW Permit in Section X of this report.**

Pavement Restoration

The City of Bellevue has established the Trench Restoration Program to provide developers with guidance as to the extent of resurfacing required when a street has been damaged by trenching or other activities. Under the Trench Restoration Program, every street in the City of Bellevue has been examined and placed in one of three categories based on the street's condition and the period of time since it has last been resurfaced. These three categories are, "No Street Cuts Permitted," "Overlay Required," and "Standard Trench Restoration." Each category has different trench restoration requirements associated with it. Damage to the street can be mitigated by placing an asphalt overlay well beyond the limits of the trench walls to produce a more durable surface without the unsightly piecemeal look that often comes with small strip patching. **See Conditions of Approval regarding pavement restoration in Section X of this report.**

D. FIRE

The Fire Department has reviewed and approved the applications.

VI. STATE ENVIRONMENTAL POLICY ACT (SEPA)

King County, as lead agency, issued a SEPA Determination of Non-significance for the project on May 23, 2019. See reference document 7 for issued DNS.

VII. CHANGES TO PROPOSAL DUE TO CITY REVIEW

No changes were required to the proposed plans.

VIII. DECISION CRITERIA

A. 20.30P.140 CRITICAL AREAS LAND USE PERMIT DECISION CRITERIA

The Director may approve, or approve with modifications an application for a Critical Areas Land Use Permit if:

1. **The proposal obtains all other permits required by the Land Use Code;**

   Finding: The applicant must obtain development permits to construct the proposed improvements which include clearing and grading and other permits. Plans submitted for the development permits must reflect the plans reviewed under this approval. **See Conditions of Approval related to permit requirements in Section X of this report.**

2. **The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;**

   Finding: The proposal is consistent with required performance standards for projects in critical areas. The project minimizes impacts where feasible and only proposes temporary construction impacts to critical areas. All temporary disturbance is required to be restored. **See Conditions of Approval related to restoration requirements**

in Section X of this report.

3. **The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable;**

   Finding: As discussed in Section III of this report, the applicable performance standards of LUC Section 20.25H are being met.

4. **The proposal will be served by adequate public facilities including street, fire protection, and utilities;**

   Finding: The proposal will not change the demand for public facilities and will increase utility system capacity.

5. **The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and**

   Finding: The submitted mitigation and monitoring proposal is found in Critical Areas and Special Shorelines Report (reference document 4). Proposed restoration planting plans are found in the project plans which are (reference document 1) and are consistent with LUC 20.25H.210. Final restoration plans are required to be submitted under the future clearing and grading permit. **See Conditions of Approval related to restoration requirements in Section X of this report.**

6. **The proposal complies with other applicable requirements of this code.**

   Finding: The proposal complies with all other applicable code requirements as approved or conditioned.

B. 20.25E.160.D SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT DECISION CRITERIA

The Director may approve or approve with modifications a Shoreline Substantial Development Permit if:

1. **The proposal is consistent with the policies and procedures of the Shoreline Management Act**

   Finding: The proposal is consistent with the SMA polices and procedures as discussed in the Code Compliance Narrative which is reference document 2. In adopting the Shoreline Management Act, the Legislature declared its interest in management of the shorelines of the state and gave preference to uses that: (1) Recognize and protect the statewide interest over local interest; (2) Preserve the natural character of the shoreline; (3) Result in long term over short term benefit; (4) Protect the resources and ecology of the shoreline; (5) Increase public access to publicly owned areas of the shorelines; (6) Increase recreational opportunities for the

public in the shoreline; and (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

The project proposes to replace and rehabilitate an existing regional sewer system that cross Lake Washington and impacts shorelines that have overlapping interests from the City of Bellevue Parks, Utilities and Transportation Departments, WSDOT, the general public and private property owners. The project implements the policies in RCW 90.58 and the Bellevue Shoreline Master Plan by minimizing impacts and maximizing long-term benefits to improve sewer reliability and capacity while maintaining existing public shoreline access. The project accomplishes this by using existing paved areas for staging and access and restoring natural ecological features. The project will impact Enatai Beach Park and restore this park along with making improvements to improve access by constructing the new maintenance access road and improvements to ecological function.

2. The proposal is consistent with the provisions of Chapter 173-27 WAC

Finding: The project is consistent with chapter 173-27 WAC as implemented through Bellevue's SMP. The applicant has applied for all required land use and shoreline applications.

3. The proposal is consistent with the SMP

Finding: The proposal is consistent with the goals and policies for the Aquatic, Urban Conservancy, Shoreline Residential Environments, and general policies that seek to protect, retain, manage, and restore degraded shoreline conditions while fostering compatible uses in the shoreline environments. The proposal minimizes interference with surface navigation, public views, and use of the shoreline by important species (SH-3). The project avoids, minimizes and restores impacts to ensure no-net loss of ecological function (SH-16). The proposal will provide protection to critical areas within shoreline jurisdiction and ensure no net loss of ecological function (SH-30). The project replaces an existing utility facility and mitigates long-and-short-term impacts to ecological functions (SH-75). As discussed in Section III of this report, the proposal is consistent with the standards of the Shoreline Overlay District.

4. The proposal will be served by adequate public facilities including streets, fire protection, and utilities

Finding: The proposal will not increase demand on public facilities and will provide additional sewer capacity.

5. The proposal is consistent with the Bellevue Comprehensive Plan

Finding: In addition to compliance with the SMP polices, the proposal is consistent with the general policies of the City's Comprehensive Plan. The proposal will improve

the regional sewer system to provide reliable, sustainable, and quality service (UT-1). The proposal is designed to coordinate between the jurisdictions of Bellevue and numerous City departments, King County, Mercer Island, and WSDOT (UT-18). The proposal will restore biological health and diversity within Mercer Slough that is adjacent to Lake Washington (EN-25). The proposal will temporarily impact wetlands in Mercer Slough and the project will restore the impacted areas and enhance them to a more natural state from the existing degraded condition (EN-63). The proposal will preserve and enhance native vegetation in critical area buffers (EN-69).

6. The proposal complies with applicable requirements of the Bellevue City Code

Finding: The proposal complies with all Bellevue City Code requirements and the requirements will be confirmed through the construction permit review.

C. 20.25E.180.D SHORELINE CONDITIONAL USE PERMIT DECISION CRITERIA

The City may approve or approve with modifications an application for a Shoreline Conditional Use Permit if:

a. The proposed use is consistent with RCW 90.58.020 and the SMP

Finding: The proposal is consistent with the SMA policies and procedures as discussed in the Code Compliance Narrative which is reference document 2. In adopting the Shoreline Management Act, the Legislature declared its interest in management of the shorelines of the state and gave preference to uses that: (1) Recognize and protect the statewide interest over local interest; (2) Preserve the natural character of the shoreline; (3) Result in long term over short term benefit; (4) Protect the resources and ecology of the shoreline; (5) Increase public access to publicly owned areas of the shorelines; (6) Increase recreational opportunities for the public in the shoreline; and (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

The project proposes to replace and rehabilitate an existing regional sewer system that cross Lake Washington and impacts shorelines that have overlapping interests from the City of Bellevue Parks, Utilities and Transportation Departments, WSDOT, the general public and private property owners. The project implements the policies in RCW 90.58 and the Bellevue Shoreline Master Plan by minimizing impacts and maximizing long-term benefits to improve sewer reliability and capacity while maintaining existing public shoreline access. The project accomplishes this by using existing paved areas for staging and access and restoring natural ecological features. The project will impact Enatai Beach Park and restore this park along with making improvements to improve access and ecological function.

b. The proposed use will not interfere with the normal public use of public shorelines

Finding: The proposal will temporarily impact public use of the shoreline but will not result in permanent interference or alter the ability of the public to access the shoreline in the project area. Construction will temporarily impact Lake Washington, Enatai Beach Park, private property along the Enatai shoreline, public trails within Mercer Slough and public facilities at Sweyolocken Pump Station. Any impacts to these areas are proposed to be restored to return the areas to their former functional state as well as enhance some areas to improve public access and ecological function.

c. The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Bellevue Comprehensive Plan and SMP

Finding: The applicant has coordinated with Bellevue Parks and WSDOT to ensure that the proposed sewer improvements are compatible with plans for the Enatai Beach Park and future road and highway improvements respectively. The project will provide additional shoreline access for non-motorized boat access at Enatai Beach Park as well as preserve limited parking area and area for future park uses. The residential properties along the rehab line will be restored to pre-project condition.

d. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located

Finding: As discussed throughout this report, the proposed impacts are almost entirely temporary and will be restored following construction. Pre-construction conditions will be restored except where exiting areas are disturbed with invasive species. These areas will be restored with native vegetation to enhance ecological functions and ensure no-net loss of functions with the shoreline jurisdiction that overlaps with wetlands, Mercer Slough, and protective buffers.

e. The public interest suffers no substantial detrimental effect

Finding: The proposal to rehabilitate the regional sewer system is in the public interest to ensure continued functioning sewer service. The public interest in access to the shoreline is also maintained and not impacted by the project.

f. The proposed use will be served by adequate public facilities including streets, fire protection, and utilities

Finding: The proposed sewer lines are underground or underwater and do not burden public facilities except for construction. The proposal is to replace and maintain existing sewer functions and is not a new sewer system that does not already exist.

g. The proposed use is consistent with the Bellevue Comprehensive Plan

Finding: The proposal is consistent with the Comprehensive Plan, as documented

above.

h. The proposed use complies with the applicable requirements of the Bellevue City Code.

Finding: The proposal complies with all Bellevue City Code requirements.

D. 20.30B.140 CONDITIONAL USE PERMIT DECISION CRITERIA

The City may approve or approve with modifications an application for a Conditional Use Permit if:

1. The conditional use permit is consistent with the Comprehensive Plan

Finding: The proposal is consistent with the Comprehensive Plan:

- The proposal will improve the regional sewer system to provide reliable, sustainable, and quality service (UT-1).
- The proposal is designed to coordinate between the jurisdictions of Bellevue and numerous City departments, King County, Mercer Island, and WSDOT (UT-18).
- The proposal will restore biological health and diversity within Mercer Slough that is adjacent to Lake Washington (EN-25).
- The proposal will temporarily impact wetlands in Mercer Slough and the project will restore the impacted areas and enhance them to a more natural state from the existing degraded condition (EN-63).
- The proposal will preserve and enhance native vegetation in critical area buffers (EN-69).
- The proposal minimizes interference with surface navigation, public views, and use of the shoreline by important species (SH-3).
- The project avoids, minimizes and restores impacts to ensure no-net loss of ecological function (SH-16).
- The proposal will provide protection to critical areas within shoreline jurisdiction and ensure no net loss of ecological function (SH-30).
- The project replaces an existing utility facility and mitigates long-and-short-term impacts to ecological functions (SH-75).

2. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity.

Finding: The sewer system will be underground or underwater and will not impact existing character, appearance, or quality of development or physical characteristics of properties along the sewer alignment. Any impacts to improved sites are proposed to be restored to preconstruction conditions.

3. The conditional use will be served by adequate public facilities including streets, fire protection, and utilities

Finding: The proposal will not impact public facilities except for construction and impacts will be temporary. The built sewer system will not require additional public services to function.

4. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property

Finding: The proposed sewer project is necessary for properties regionally and in the Enatai area to continue to be served by sewer. Not carrying out these repairs could be detrimental to uses and property in the vicinity and risk environmental impacts from wastewater impacts within sensitive shorelines and critical areas.

5. The conditional use complies with the applicable requirements of this Code

Finding: The project complies with code requirements.

IX. CONCLUSION AND DECISION/RECOMMENDATION

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency and City Code and Standard compliance reviews, the Director does hereby **APPROVE with CONDITIONS** the application for Critical Areas Land Use Permit, **APPROVE with CONDITIONS** the application for Shoreline Substantial Development Permit**,** and **RECOMMENDS APPROVAL** of the Shoreline Conditional Use Permit and Conditional Use Permit **with CONDITIONS** to the Hearing Examiner.

X. CONDITIONS OF APPROVAL

Codes & Ordinances
The applicant shall comply with all applicable Bellevue City Codes and ordinances including but not limited to:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Construction Codes- BCC Title 23	Bldg. Division, 425-452-6864
Fire Code- BCC 23.11	Bill Lehner, 425-452-2925
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-4350
Transportation Code- BCC 14.60	Ryan Miller, 425-452-2065
Right of Way Use Code- BCC 14.30	Tim Stever, 425-452-4294
Utility Code- BCC Title 24	Mark Dewey, 425-452-6197

A. GENERAL CONDITIONS

The following conditions are imposed under the Bellevue City Code referenced

1. Clearing and Grading Permit Required

Approval of these applications does not constitute an approval of a construction permit. A clearing and grading permit must be approved before construction can begin. Plans submitted as part of any permit application shall be consistent with the activity permitted under this approval. The proposal is required to meet all applicable clearing and grading Best Management Practices.

AUTHORITY: Land Use Code 20.30P.140; BCC 23.76
REVIEWER: Savina Uzunow, Development Services Department

2. In-Water Work Windows

Time of work approved is subject to the allowed work windows or as approved by the US Army Corps.

AUTHORITY: Land Use Code 20.30P.140
REVIEWER: Savina Uzunow, Development Services Department

3. Tree Replacement

Final planting plans submitted under the future clearing and grading permit or other construction permits shall depict all trees being removed and replanted to restore trees removed by construction. Replanting shall be at a ratio of 1:1 or greater.

AUTHORITY: Land Use Code 20.25H
REVIEWER: Reilly Pittman, Development Services Department

4. Enhancement Planting Areas and Final Restoration Plan

Planting proposed to restore temporary disturbance and enhance areas to ensure no-net loss requires planting of trees in addition to shrubs and groundcover at plant densities and with species consistent with the City's Critical Areas Handbook and LUC 20.25E. The submitted restoration plan has conceptual approval. A final restoration plan that shows all trees removed and proposed, provides full plant quantities, and includes all maintenance and monitoring plan elements is required to be submitted with the clearing and grading permit.

AUTHORITY: Land Use Code 20.25H.220
REVIEWER: Reilly Pittman, Development Services Department

5. Maintenance and Monitoring for Five Years

Maintenance and monitoring is required for five years per the plan submitted in the Critical Areas and Special Shoreline Report as reference document 4. Annual reports are required to be transmitted to Reilly Pittman for review.

AUTHORITY: Land Use Code 20.25H.220
REVIEWER: Reilly Pittman, Development Services Department

6. Restoration of Lake Beds and Substrate

All material used to restore disturbance to beds and substrate of Lake Washington shall be as approved by the Washington Department of Fish and Wildlife.

AUTHORITY: Land Use Code 20.25E.080
REVIEWER: Reilly Pittman, Development Services Department

7. Dock Restoration

All docks impacted by construction shall be restored meeting requirements in LUC 20.25E.065. Removed decking is required to be replaced with open grating. No dock expansion or reconfiguration is approved as part of this approval.

AUTHORITY: Land Use Code 20.25E.065
REVIEWER: Reilly Pittman, Development Services Department

8. Restoration Timing

Restoration for construction impacts must be completed within one year of the cessation of work at a given location.

AUTHORITY: Land Use Code 20.25H.220
REVIEWER: Reilly Pittman, Development Services Department

9. Utilities

Construction work on City owned water, sewer and storm mains will require a permit from the Utilities Department.

AUTHORITY: Bellevue City Code 24.02, 24.04, 24.06
REVIEWER: Mark Dewey, Utilities Department

10. Geotechnical Review

The project geotechnical engineer must review the final construction plans, including all retaining walls and foundation designs. A letter from the geotechnical engineer stating that the plans conform to the recommendations in the geotechnical report and any addendums and supplements must be submitted to the clearing and grading section prior to issuance of the construction permit.

AUTHORITY: Bellevue City Code 23.76.050
REVIEWER: Savina Uzunow, Development Services Department

11. Geotechnical Inspection

The project geotechnical engineer must provide geotechnical inspection during project

construction, including retaining walls, subgrades for foundations and footings, and any unusual seepage, slope, or subgrade conditions.

AUTHORITY: Bellevue City Code 23.76.050
REVIEWER: Savina Uzunow, Development Services Department

12. Rainy Season Restrictions

Due to steep slopes on the site, no clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

AUTHORITY: Bellevue City Code 23.76.050
REVIEWER: Savina Uzunow, Development Services Department

13. RIGHT-OF-WAY USE PERMIT

Prior to issuance of any construction or clearing and grading permit, the applicant shall secure applicable right-of-way use permits from the City's Transportation Department, which may include:

a) Designated truck hauling routes.
b) Truck loading/unloading activities.
c) Location of construction fences.
d) Hours of construction and hauling.
e) Requirements for leasing of right of way or pedestrian easements.
f) Provisions for street sweeping, excavation and construction.
g) Location of construction signing and pedestrian detour routes.
h) All other construction activities as they affect the public street system.

In addition, the applicant shall submit for review and approval a plan for providing pedestrian access during construction of this project. Access shall be provided at all times during the construction process, except when specific construction activities such as shoring, foundation work, and construction of frontage improvements prevent access. General materials storage and contractor convenience are not reasons for preventing access.

The applicant shall secure sufficient off-street parking for construction workers before the issuance of a clearing and grading, building, a foundation or demolition permit.

AUTHORITY: Bellevue City Code 11.70 and 14.30
REVIEWER: Tim Stever, Transportation Department

14. PAVEMENT RESTORATION

Pavement restoration associated with street frontage improvements or to repair damaged street surfaces shall be provided based upon the Trench Restoration Pavement Classification of the road at the time of restoration. Under the Trench Restoration Program, every street in the City of Bellevue has been examined and placed in one of three categories based on the street's condition and the period of time since it has last been resurfaced. These three categories are, "No Street Cuts Permitted," "Overlay Required," and "Standard Trench Restoration." Each category has different trench restoration requirements associated with it.

AUTHORITY: Bellevue City Code 14.60.250; Design Manual Design Standard #23
REVIEWER: Tim Stever, Transportation Department